

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/24/2020
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CONVERGEN ENERGY LLC, et al.,

Plaintiffs,

-v-

STEVEN BROOKS, et al.,

Defendants.  
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20-cv-3746 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On July 13, 2020, non-party Elmerina Brooks moved to quash Plaintiffs' third-party subpoenas pursuant to Fed. R. Civ. P. 45(d)(3) and 26(c) and for a protective order barring Plaintiffs from taking discovery from Ms. Brooks during the expedited discovery phase of this action. Dkt. No. 78. The subpoenas seek to depose Ms. Brooks and also request from her eight categories of documents. Dkt. No. 80-1 at 5-6, 16.

The basis for the third-party subpoenas is that Ms. Brooks, who is the mother of Defendant Steven Brooks, provided a loan to Defendant Nianticvista Energy, LLC ("Niantic") through her own limited liability company, Clark Kent, LLC. Plaintiffs have alleged in their complaint that Defendant Steven Brooks engaged in a fraudulent scheme to sell Plaintiffs' renewable pellet manufacturing plant to Niantic, which he secretly co-owned.

It is hereby ORDERED that the motion to quash is GRANTED IN PART and DENIED IN PART. The subpoena seeking a deposition of Ms. Brooks is quashed in full. The subpoena seeking documents is quashed with the exception of document requests No. 1-4. *See* Dkt. No. 80-1 at 16.

The Clerk of Court is respectfully directed to close Dkt. No. 78.

SO ORDERED.

Dated: July 24, 2020  
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written above a horizontal line.

LEWIS J. LIMAN  
United States District Judge